



**Amendments to the Drawings:**

The attached sheet of drawings includes changes to Figures 1 and 2. This replacement sheet which includes Figures 1 and 2 replaces the original sheet.

Attachment: Replacement Sheet

## REMARKS

In the Examiner's Action dated May 4, 2005, the Examiner has objected to the drawings under 37 C.F.R. §1.83(a). Based upon a careful consideration of the Examiner's comments a replacement sheet of drawings is submitted herewith. This replacement sheet adds labels to the various elements within the previously submitted drawings which are consistent with the description within the specification. No new matter has been entered. Approval of these drawings by the Examiner is respectfully requested.

Next, the Examiner has rejected Claim 15 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Based upon a careful consideration of the Examiner's comments Claim 15 has been cancelled and the new claims submitted herewith are believed to be fully enabled under the meaning of 35 U.S.C. §112, first paragraph. Consequently, withdrawal of this rejection, in so far as it might be applied to the claims newly submitted herewith is respectfully requested.

Next, the Examiner has rejected Claims 1-28 under 35 U.S.C. §101, believing the claimed invention is directed to non-statutory subject matter. Based upon a careful consideration of the Examiner's comments Claims 1-28 have been cancelled and Claims 29-38 have been submitted herewith. Each of these claims expressly recites either a computer system or a computer implemented method and consequently, no rejection of these claims under 35 U.S.C. §101 is believed to be warranted.

Examiner has also rejected previously submitted Claims 1-22 under 35 U.S.C. §102(b) as being anticipated by United States Patent Number 6,317,635 issued to *Ochs et al.* That rejection, in so far as it might be applied to the newly submitted claims, is respectfully traversed.

*Ochs et al.* discloses a system for controlling electrotherapy devices wherein the maximum and minimum amount of electrical energy may be specified. Nothing within *Ochs et al.* shows or suggests in anyway the specification of a maximum and minimum value of a first measurement parameter and thereafter, the control of a component based upon variations from a current reading for that parameter within the specified maximum and minimum values. In this manner, as described in the present specification, a component may be controlled with greater

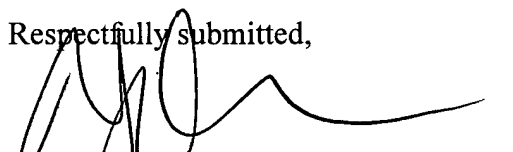
accuracy by reacting to variations in observed parameters within a maximum and minimum spectrum without waiting until the observed parameter has exceeded a maximum or falls below a minimum. By providing the control technique utilizing maximum, minimum and current values as a logical expression the method and system of the present invention provide greater accuracy than that possible by mere stipulation of maximum and minimum and selection of a current value within that maximum and minimum. Nothing within *Ochs et al.* shows or suggests in anyway an automatic control of the amount of energy applied as electrotherapy other than by user control and Applicant urges that Claims 29-38 define patentable subject matter over this reference and withdrawal of this rejection and passage of these claims to issue is respectfully requested.

The Examiner has also rejected Claims 23-28 under 35 U.S.C. §103(a) as being unpatentable over *Ochs et al.* and further in view of United States Patent Number 4,437,859, issued to *Whitehouse et al.* That rejection, in so far as it might be applied to the claims as newly submitted herewith, is respectfully traversed. *Whitehouse et al.* disclose a self-contained hydraulic drive device for continuously and automatically actuating a hypodermic syringe. Although one of the applications of the present control system and method may be the actuation of a syringe, the claims as submitted herewith do not set forth such a technique and consequently, the citation of *Whitehouse et al.* adds nothing to the citation of *Ochs et al.* which, for the reasons set forth above, is not believed to render the present claims unpatentable.

Consequently, in view of the above, Applicant urges that Claims 29-38 define patentable subject matter and withdrawal of all rejections and passage of this application to issue is respectfully requested.

No extension of time is believed to be required; however, in the event an extension of time is required please consider that extension requested and please charge the fee for that extension, and well as any other fee necessary to further the prosecution of this application to IBM Corporation Deposit Account No. **09-0447**.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Andrew J. Dillon', is written over a horizontal line.

Andrew J. Dillon

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